

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN ASSEMBLY MAY 31, 2016

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AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2125

Introduced by Assembly Member Chiu
(Coauthors: Assembly Members Bonta, Chu, Gonzalez,
Roger Hernández, Low, and Ting)
(Coauthor: Senator Pan)

February 17, 2016

An act to add ~~Chapter 14 (commencing with Section 108960) to Part 3 of Division 104 of Section 25257.2~~ to the Health and Safety Code, relating to nail salons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2125, as amended, Chiu. Healthy Nail Salon Recognition Program.

Existing law regulates the existence and disclosure of specified chemicals and components in consumer products, including phthalates and bisphenol A. Existing law also provides for the licensing and regulation of nail salons and manicurists by the State Board of Barbering and Cosmetology within the Department of Consumer Affairs.

This bill would require the ~~State Department of Public Health~~ *Department of Toxic Substances Control* to publish guidelines for cities, counties, and cities and counties to voluntarily implement local healthy nail salon recognition (HNSR) ~~programs with specified criteria for nail~~

salons, including the use of less toxic nail polishes and polish removers and improved ventilation. ~~programs. The bill would allow the guidelines to include, but not be limited to, specified criteria, such as the potential for exposure of nail salon workers and customers to chemicals.~~ The bill would also require the department to develop awareness campaigns, a consumer education program, present the guidelines to local health officers, local environmental health departments, and other local agencies, and post specified information on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 ~~(a) According to the State Board of Barbering and Cosmetology,~~
- 4 ~~there are 129,015 licensed manicurists, and 52,680 licensed~~
- 5 ~~business establishments providing manicure services. There are~~
- 6 ~~312,215 licensed cosmetologists, many of whom work as nail salon~~
- 7 ~~technicians.~~
- 8 ~~(b)~~
- 9 (a) Beauty care workers, including cosmetologists and
- 10 manicurists, are highly exposed to the potential harm of
- 11 carcinogens and reproductive toxins in cosmetics. Cosmetologists
- 12 and manicurists are predominantly women and minorities. ~~In~~
- 13 ~~California, an estimated 80 percent of nail salons are operated by~~
- 14 ~~Vietnamese women.~~
- 15 ~~(c)~~
- 16 (b) Nail services are increasing in popularity among consumers.
- 17 The money consumers spent in nail salons increased from \$7.3
- 18 billion in 2012 to \$8.54 billion in 2014.
- 19 ~~(d)~~
- 20 (c) Chemicals in professional cosmetics can be harmful to salon
- 21 customers, who increasingly include prepubescent girls and young
- 22 women.
- 23 ~~(e)~~
- 24 (d) Endocrine-disrupting chemicals can cause harm at very low
- 25 levels. Some may enter the body through the skin or cuticle.
- 26 ~~(f)~~

1 (e) Dibutyl phthalate (DBP), included in nail polish to reduce
2 brittleness and cracking, is a reproductive and developmental
3 toxicant that is especially harmful to pregnant women.

4 ~~(g)~~

5 (f) Developmental toxicants interfere with proper growth or
6 health of a child, acting at any point from conception to puberty.

7 ~~(h)~~

8 (g) Toluene, a solvent found in nail polish, is a developmental
9 and neurological toxicant that causes headaches, dizziness, and
10 nausea, among other symptoms.

11 ~~(i)~~

12 (h) Formaldehyde, a chemical that acts as a disinfectant and as
13 a preservative in nail polishes, is a known carcinogen. Exposure
14 to formaldehyde in the short term can irritate the eyes, nose, throat,
15 and skin, and in the long term exposure can cause asthma.

16 ~~(j) Alternatives to substances that cause serious harm, including
17 cancer or reproductive toxicity, are readily available for use in
18 cosmetic products. A~~

19 (i) A number of *cosmetic product* manufacturers, including both
20 small domestic producers and large multinational corporations,
21 have eliminated certain substances that cause cancer or
22 reproductive harm from their products.

23 ~~(k)~~

24 (j) Some local governments have already adopted successful
25 Healthy Nail Salon Recognition Programs (HNSR programs),
26 including the City and County of San Francisco, the Counties of
27 Alameda, San Mateo, and Santa Clara, and the City of Santa
28 Monica.

29 ~~(l)~~

30 (k) These local HNSR programs support nail salons that use
31 less toxic products and practices that are safer for workers and
32 their customers.

33 ~~(m) Given the presence of substances in cosmetic products that
34 cause cancer and reproductive toxicity and other serious adverse
35 impacts, the heavy use of these products by women of childbearing
36 age, the increasing use of manieure services among consumers
37 including prepubescent girls and young women, the significant
38 exposure to these products in occupational settings such as nail
39 and beauty salons, the recently enacted successful local HNSR
40 programs, and the availability of safer alternative products, it is in~~

1 the interest of the people of the State of California to take steps to
 2 ensure that nail salons are given guidelines to operate safely for
 3 workers and consumers, support local solutions to reduce
 4 potentially harmful chemical exposures among customers and
 5 workers, determine the success of the HNSR programs in reducing
 6 harmful exposures experienced by nail salon customers and
 7 workers, and make recommendations for program improvements,
 8 as appropriate.

9 *(l) Given the recently enacted successful local HNSR programs,*
 10 *and the availability of safer alternative cosmetic products, it is in*
 11 *the interest of the people of the State of California to ensure that*
 12 *nail salons are given guidelines to operate safely for workers and*
 13 *consumers.*

14 ~~SEC. 2. Chapter 14 (commencing with Section 108960) is~~
 15 ~~added to Part 3 of Division 104 of the Health and Safety Code, to~~
 16 ~~read:~~

17
 18 ~~CHAPTER 14. HEALTHY NAIL SALON RECOGNITION PROGRAM~~
 19

20 ~~108960. (a) The State Department of Public Health shall, by~~
 21 ~~January 1, 2018, publish guidelines for cities, counties, and cities~~
 22 ~~and counties to voluntarily implement local healthy nail salon~~
 23 ~~recognition (HNSR) programs.~~

24 ~~(b) The guidelines for an HNSR program may include, but are~~
 25 ~~not limited to, all of the following qualifications:~~

26 ~~(1) The salon shall not use any of the following:~~

27 ~~(A) Any ingredient, as defined in subdivision (d) of Section~~
 28 ~~111791.5, that is a chemical classified by the United States~~
 29 ~~Environmental Protection Agency as carcinogenic to humans,~~
 30 ~~likely to be carcinogenic to humans, or for which there is~~
 31 ~~suggestive evidence of carcinogenic potential, or identified by the~~
 32 ~~state to cause cancer as listed in the Safe Drinking Water and Toxic~~
 33 ~~Enforcement Act of 1986 (Chapter 6.6 (commencing with Section~~
 34 ~~25249.5) of Division 20) list of chemicals known to cause cancer~~
 35 ~~or reproductive toxicity.~~

36 ~~(B) Any ingredient, as defined in subdivision (d) of Section~~
 37 ~~111791.5, that is a reproductive toxicant that causes birth defects,~~
 38 ~~reproductive harm, or developmental harm as identified by the~~
 39 ~~United States Environmental Protection Agency, or listed in the~~
 40 ~~Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter~~

- 1 ~~6.6 (commencing with Section 25249.5) of Division 20) list of~~
2 ~~chemicals known to cause cancer or reproductive toxicity.~~
3 ~~(C) Nail polishes that contain dibutyl phthalate (DBP),~~
4 ~~formaldehyde, or toluene.~~
5 ~~(D) Nail polish thinners that contain methyl ethyl ketone or~~
6 ~~toluene.~~
7 ~~(E) Nail polish removers that contain ethyl or butyl acetate.~~
8 ~~(2) The salon shall ensure that all nail salon staff wear nitrile~~
9 ~~or other gloves determined to be sufficiently protective when using~~
10 ~~nail products.~~
11 ~~(3) The salon shall be ventilated to improve air quality. A~~
12 ~~specific area shall be designated for artificial nail services, and~~
13 ~~that area shall be properly ventilated with mechanical ventilation~~
14 ~~units.~~
15 ~~(4) All salon staff, whether on payroll or on contract, and owners~~
16 ~~shall be trained on safer practices delineated in the HNSR program~~
17 ~~guidelines.~~
18 ~~(5) The salon shall not allow clients to bring in outside products~~
19 ~~for use, unless those products meet the program criteria, as~~
20 ~~determined by salon staff.~~
21 ~~(6) The salon shall be in compliance with Chapter 10~~
22 ~~(commencing with Section 7301) of Division 3 of the Business~~
23 ~~and Professions Code, and all relevant regulations enforced by the~~
24 ~~State Board of Barbering and Cosmetology.~~
25 ~~(7) Any other guidelines or best practices determined by the~~
26 ~~department to further the goals of an HNSR program.~~
27 ~~(e) The guidelines required pursuant to subdivision (a) shall~~
28 ~~impose, but not be limited to, all of the following requirements on~~
29 ~~a city, county, or city and county that adopts an HNSR program:~~
30 ~~(1) Coordinate with other local HNSR programs to assist~~
31 ~~businesses in achieving and moving beyond regulatory compliance.~~
32 ~~(2) Require training for the salon owners and staff to ensure~~
33 ~~thorough knowledge of safe and environmentally friendly~~
34 ~~procedures.~~
35 ~~(3) Provide an approved seal or certificate to a salon that has~~
36 ~~met all specified requirements, required to be displayed in full~~
37 ~~public view in the salon location.~~
38 ~~(4) Establish a process by which a salon can enroll in an HNSR~~
39 ~~program and be verified by the local entity.~~

1 ~~(5) Establish the frequency at which the local entity shall verify~~
2 ~~continued compliance by a salon that has previously met all~~
3 ~~specified requirements.~~

4 ~~(d) The State Department of Public Health shall, throughout the~~
5 ~~process of developing guidelines pursuant to subdivision (a),~~
6 ~~consult with the Division of Occupational Safety and Health and~~
7 ~~the State Board of Barbering and Cosmetology.~~

8 ~~(e) The department shall promote the HNSR guidelines~~
9 ~~established pursuant to this chapter by doing all of the following:~~

10 ~~(1) Develop and implement a consumer education program to~~
11 ~~promote awareness about HNSR programs.~~

12 ~~(2) Present the HNSR guidelines to local health officers, local~~
13 ~~environmental health departments, and other local agencies as the~~
14 ~~department deems appropriate.~~

15 ~~(3) Develop and either distribute or post on its Internet Web~~
16 ~~site information for local entities, including, but not limited to,~~
17 ~~suggestions for successful implementation of HNSR programs and~~
18 ~~resource lists that include names and contact information of~~
19 ~~vendors, consultants, or providers of financial assistance or loans~~
20 ~~for purchases of ventilation equipment.~~

21 ~~(4) Develop an Internet Web site or a section on the~~
22 ~~department's Internet Web site that links to county HNSR Internet~~
23 ~~Web sites.~~

24 ~~(f) The department may prioritize its outreach to those counties~~
25 ~~that have the greatest number of nail salons.~~

26 ~~(g) The State Board of Barbering and Cosmetology may notify~~
27 ~~the city, county, or city and county if a recognized salon is found~~
28 ~~in violation of Article 12 of the State Board of Barbering and~~
29 ~~Cosmetology regulations. A violation shall result in the removal~~
30 ~~of healthy nail salon recognition from that salon.~~

31 *SEC. 2. Section 25257.2 is added to the Health and Safety*
32 *Code, to read:*

33 *25257.2. (a) The department shall, by January 1, 2018, publish*
34 *guidelines for healthy nail salon recognition (HNSR) programs*
35 *voluntarily implemented by local cities and counties.*

36 *(b) The guidelines for an HNSR program adopted pursuant to*
37 *subdivision (a) may include, but shall not be limited to, all of the*
38 *following:*

- 1 (1) A list of specific chemical ingredients that should not be
2 used by a nail salon seeking recognition. In determining whether
3 to include a chemical on the list, the department shall consider:
- 4 (A) Whether the chemical is identified as a candidate chemical
5 pursuant to the regulations adopted pursuant to Section 25252.
6 (B) Whether an existing healthy nail salon program has
7 restricted the use of the chemical.
8 (C) The potential for exposure of nail salon workers and
9 customers to the chemical.
10 (D) The availability of existing, safer alternatives to the chemical
11 in products available to nail salons in California.
- 12 (2) Specific best practices for minimizing exposure to hazardous
13 chemicals, including:
- 14 (A) A list of specific personal protective equipment that should
15 be used by personnel in a salon seeking recognition and guidance
16 on when and how to use it.
17 (B) Engineering controls that should be adopted by salons
18 seeking recognition, including specific ventilation practices and
19 equipment.
20 (C) Prohibiting nail polishes that contain dibutyl phthalate,
21 formaldehyde, or toluene.
22 (D) Prohibiting nail polish thinners that contain methyl ethyl
23 ketone or toluene.
24 (E) Prohibiting nail polish removers that contain ethyl or butyl
25 acetate.
- 26 (3) A list of specific training topics for salon owners and staff,
27 whether on payroll or contract, on safer practices delineated in
28 the HNSR program guidelines.
- 29 (4) Criteria for the use of outside products brought in by clients.
30 (5) Verification that a salon seeking recognition is in compliance
31 with Chapter 10 (commencing with Section 7301) of Division 3 of
32 the Business and Professions Code, and all applicable regulations
33 enforced by the State Board of Barbering and Cosmetology.
- 34 (6) Any other guidelines or best practices determined by the
35 department to further the goals of an HNSR program.
- 36 (c) The guidelines adopted pursuant to subdivision (a) shall
37 include criteria for cities and counties that adopt an HNSR
38 program. These criteria may cover, but are not limited to:
- 39 (1) Coordination with other local HNSR programs to assist
40 businesses in achieving and moving beyond regulatory compliance.

1 (2) *Training and certification requirements for the salon owners*
2 *and staff to ensure thorough knowledge of safe and environmentally*
3 *friendly procedures.*

4 (3) *Issuance of an approved seal or certificate to salons that*
5 *have met certification requirements.*

6 (4) *The process by which a salon can enroll in an HNSR*
7 *program and be verified by the local entity.*

8 (5) *The frequency at which the local entity shall verify continued*
9 *compliance by a salon that has previously met all specified*
10 *requirements.*

11 (d) *In developing guidelines pursuant to subdivision (a), the*
12 *department shall consult with the Division of Occupational Safety*
13 *and Health, the State Department of Public Health, and the State*
14 *Board of Barbering and Cosmetology.*

15 (e) *In collaboration with existing healthy nail salon programs,*
16 *the department shall promote the HNSR guidelines developed*
17 *pursuant to subdivision (a) by doing all of the following:*

18 (1) *Developing and implementing a consumer education*
19 *program.*

20 (2) *Presenting the HNSR guidelines to local health officers,*
21 *local environmental health departments, and other local agencies*
22 *as appropriate.*

23 (3) *Developing and either distributing or posting on its Internet*
24 *Web site information for local entities, including, but not limited*
25 *to, suggestions for successful implementation of HNSR programs*
26 *and resource lists that include names and contact information of*
27 *vendors, consultants, or providers of financial assistance or loans*
28 *for purchases of ventilation equipment.*

29 (4) *Developing an Internet Web site or a section on the*
30 *department's Internet Web site that links to county HNSR Internet*
31 *Web sites.*

32 (f) *The department may prioritize its outreach to those counties*
33 *that have the greatest number of nail salons.*

34 (g) *The State Board of Barbering and Cosmetology may notify*
35 *the city, county, or city and county if a recognized salon is found*
36 *in violation of Article 12 of the State Board of Barbering and*
37 *Cosmetology regulations. A violation shall result in the removal*
38 *of healthy nail salon recognition from that salon.*

- 1 *(h) Nothing in this section shall prevent the adoption or*
- 2 *enforcement of any local rules or ordinances.*

O